

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THISTHE 26TH DAY OF MAY 1998

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THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.13425/98

Gadigaiah,  
s/o Channaveeraiah,  
major,  
r/o Sannanangapura,  
Malaneykanahalli post,  
Ranebennur Taluk.

Petitioner

(By Smt. Manjula R Kamadolli, Advocate)

-vs-

1. Asst. Commissioner,  
Davanagere Sub-division,  
Davanagere.

2. Deputy Tahsildar,  
Nada Kacheri,  
Malebennur.

3. Smt.Basamma,  
w/o Basappa,  
major, r/o Basapura,  
Malaneyakanahalli post,  
Ranebennur Taluk,  
Haveri Dist.

Respondents

(By Sri N.P.Singri, HCGP for R-1 & 2,  
Smt.Pranathi Bhat, Advocate for  
Sri Ram Bhat)

This petition is filed u/a 226 and 227  
of the Constitution of India praying to quash  
vide Ann.D dt.4.498 by R1.

This petition coming on for preliminary  
hearing this day, the court made the following:-

O R D E R

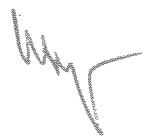
Sri N.P.Singri, learned Government Pleader is directed to take notice to Respondents-1 and 2.

2. The petitioner in this petition has challenged the correctness of the order dated 4th April, 1998, passed by the 1st respondent, a copy of which has been produced as Annexure-D, setting aside the order passed by the 2nd respondent, entering the name of the petitioner in the revenue records.

3. It is not in dispute that the petitioner is the son of the sister of the deceased husband of the 3rd respondent. It is also not in dispute that the land in dispute belongs to the husband of the 3rd respondent. However, Smt.Manjula Kamadolli, vehemently submitted that it is on the basis of the worthy given by the 3rd respondent herself, the name of the petitioner came to be entered in therevenue records.

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4. This submission of the learned counsel for the petitioner is seriously countered by Smt. Pranathi Bhat, learned counsel for the 3rd respondent. She submitted that taking advantage of the death of the husband of the 3rd respondent a false report was given by the brother of the 3rd respondent's husband to the Revenue Authorities and under these circumstances, no value can be attached to the said entry made by the 2nd respondent in the revenue records. She further submitted that there cannot be any dispute in law that the 3rd respondent is entitled to succeed to the land in question as the land in question admittedly belonged to the husband of the 3rd respondent. She further pointed out that there is already a civil dispute pending before the civil court and under these circumstances, this is not a fit case for this Court to interfere against the order impugned.



5. I find considerable force in the submission made by Smt. Pranathi Bhat, learned counsel appearing for the 3rd respondent. Since the dispute concerning the land in question is already before the civil court, I find it is not appropriate for me to go into the correctness of the order impugned in this petition. Further, the land in question admittedly belonged to the husband of the 3rd respondent. Under these circumstances, it is doubtful whether the 3rd respondent would have given wardi to the Revenue Authorities as contended by the learned counsel for the petitioner to enter the name of the petitioner. Further, as rightly pointed out by the learned counsel for the 3rd respondent that the 3rd respondent is the legal heir who is entitled to succeed to the land in question after the death of her husband. If all these matters are kept in mind, there is absolutely no justification for this Court to interfere against

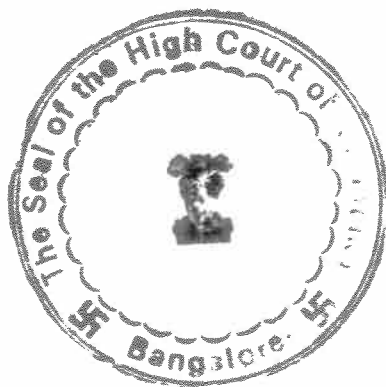
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the order impugned. Further, if the petitioner has any right over the lands in question, he can establish his rights before the civil court either in the pending suit or initiate such other suit claiming appropriate ruling.

6. In the light of the discussion made above, this petition is liable to be dismissed. Accordingly, this petition is dismissed.

7. Sri N.P.Singri, learned Government Pleader is given four weeks time to file his memo of appearance.

Sd/-  
JUDGE



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